nee performances will be specially

President Declares Result of Recent Trial in Chicago a Miscarriage of Justice.

SEVERE ON JUDGE HUMPHREY.

His Interpretation of the Law Makes Abortive Will of Congress.

Can Hardly Believe That His Ruling in This Particular Case Will be Followed by Other Judges.

Washington, April 18 .- In a special message delivered to the Congress today. President Roosevelt declares the result of the recent trial of the "beef packers" in Chicago was a "miscarriage of justice" and that the interpretation placed by Judge Humphrey on the will of Congress "is such as to make that will absolutely abortive."

The message, which is of a most sensational character, is based largeon a letter to the president from Atty.-Gen. Moody, in which the attorney-general reviews the proceedings of the case of the government against the beef packers. The president says it is clear that no criticism attaches to Commissioner Garfield, as what he did was in pursuance of a duty imposed on him by Congress. He refers sharply, however, to the decision of Judge Humphrey, saying that Congress could not have foreseen such a decision and that he could hardly believe that the rulings of Judge Humphrey will be followed by other judges. He declared that such interpretation of the law as that placed on it by Judge Humphrey "comes measurably near making the law a farce," and he recommends that Congress pass a declartory act stating its real intention. The president also requests Congress to confer upon the government, by statute, the same right of appeal, in criminal cases, which the defendant now enjoys, where the merits of the cases have not been determined.

TEXT OF MESSAGE.

The full text of the message follows: "To the Senate and House of Repre-

sentatives: "I submit herewith a letter of the attorney-general, enclosing a state-ment of the proceedings of the United States against the individuals and corstates against the individuals and corporations commonly known as the Beef Packers, and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice. It clearly appears from the letter of the attorney-general that no criticism whatever attaches to that no criticism whatever attaches to Commissioner Garfield; what he did was in strict accordance with the law and in pursuance of a duty imposed on him by Congress, which could not be avoided and, of course, Congress in passing the Martin resolution could not possibly have foreseen the decision of Judge Humphrey.

CONGRESS' WILL ANNULLED.

"But this interpretation by Judge Humphrey of the will of the Congress as expressed in legislation is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the government has the right of appeal from this decision of the district peal from this decision of the district judge. The case well demonstrates the desirability of conferring upon the government the same right of appeal in criminal cases, on questions of law, which the defendant now has, in all cases where the defendant has not been put in jeopardy by a trial upon merits of the charge made against him. The laws of many of the states, and the law of the District of Columbia and the law of the District of Columbia, recently enacted by the Congress, give the government the right of appeal. A general law of the character indicated should certainly be enacted.

"Furthermore, it is very desirable to enact a law declaring the true con-struction of the existing legislation, so far as it affects immunity.

OPINION OF RULING.

'I can hardly believe that the ruling of Judge Humphrey will be followed by other judges, but if it should be followed the result would be either completely to nullify very much and possibly the major part of the good to be obtained from the inter-state commerce law, and from the law creating the bureau of corporations in the department of commerce and labor, or else frequently to obstruct an appeal to the criminal laws by the department of justice. There seems to be no good reason why the department of justice, the department of commerce and labor and the interstate commerce commis-sion each should not for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary under the Constitution and the laws that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by osed that the immunity conferred by existing laws was only upon person: who, being subpoenaed, had given tes-timony or produced evidence, as witnesses, relating to any offense with which they were or might be charaged. But Judge Humphrey's decision is, in effect that, if either the commissioner of corporations does his duty or the inter-state commerce commission does it, by making the investigations which they by law, are required to make, though they issue no subpoenas and gave no testimony or evidence within the proper meaning of those words, the very fact of the investigation may of itself operate to prevent the prose-cution of any offender for any offense which may have been developed in ayen the most indirect manner during the course of the investigation or even for any offense which may have been detected by investigations conducted by the department of justice entirely independently of the labors of the interestate communications. ter-state commerce commission or the commissioner of corporations—the only condition of immunity being that the offender should have given or the offender should have given, or directed to be given, information which related to the subject out of which the offense has grown.

PRESENT DANGER OF APPEAL. "In offenses of this kind, it is at the the oldenses of this kind, it is at the best hard enough to expect to visit justice upon offenders. Every system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have als rights adequately preserved, and to

This Day In History.

APRIL 18th

1731-William Williams, "signor" for Connecticut, soldier, etc., born in Lebanon, Conn.; died there 1811.

died there ISI.

1775—Paul Revere's famous ride out of Boston to arouse the patriots. Revere was an active, public spirited coionist and had served in the British colonial forces against France. During the Revolution he served the cause as a soldier and also with his mechanical talent. Two of his grandsons served in the Civil war, and one was killed at Gettysburg.

1817—George Henry Lewes, not-ed English writer on phil-osophy, born in London; died 1875.

1873—Baron Justus Liebig, the great chemist, died at Mu-nich; born 1803. 1899-Lieut.-Gen. Carrea, Span-ish minister of war in 1898, died at Madrid, Fight at Samoa between Americans and English and the Mataafans,

DON'T LET THIS DAY IN

YOUR HISTORY

Pass without investigating our Loose Leaf Ledger System, at Deseret News Book Store.

But at present the danger is just the reverse; that is, the danger now adays is, not that innocent men will be convicted of crime, but that the guilty man will go scot free. This is especially the case where the crime is one of greed and cunning perpetrated by a man of wealth in the course of these business. wealth in the course of those business operations where the code of conduct is at variance, not merely with the code of humanity and morality, but with the code as established in the law of the It is much easier, but less effec-to proceed against a corporation to proceed against the individuals in that corporation who are them-seives responsible for the wrong doing. 'Very naturally, outside persons who have no knowledge of the facts and no responsibility for the success of the receedings, are apt to clamor for ac-

GUILT SEEMED CERTAIN.

'The department of justice has most wisely invariably refused thus to pro-ceed against individuals unless it was convinced both that they were in fact guilty, and that there was at least a reasonable chance of establishing this fact of their guilt. The beef packing cases offered one of the very few instances where there was not only the moral certainty that the men were guilty, but what seemed, and now seems, sufficient legal evidence of the

But in obedience to the explicit or der of the Congress the commissioner of corporations had investigated the beef packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the at-

"Mr. Moody—.... I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether this is only evidence or such a promise or not. I do not know and I do not care. "'Mr. Miller (the counsel for the beef packers)—There is no claim of it. "'Mr. Moody—Then I was mistaken and will not even say that word."

ALMOST A FARCE.

But Judge Humphrey holds that if the commissioner of corporations (and therefore, if the interstate commerce commission) did, in the course of any investigation prescribed by Congress, ask any questions of a person not called as a witness, or ask any questions of a corporation not called as a witness, with regard to the action of the corportion on a subject out of which projecu-tions may arise, then the fact of such question having been asked operates as a bar to the prosecution of that per-son or of that officer of the corpora-tion for his own misdeeds. Such in-terpretation of the law comes measurably near making the law a farce, and I therefore recommend that the Congress pass a declaratory act stating its real

"THEODORE ROOSEVELT.
The White House, April 17, 1906.

TAFT SAYS TYPE OF CANAL MUST BE DECIDED AT ONCE

Washington, April 18 .- Secy. Taft today told the senate committee on interoceanic canals that the question of the type of canal must be determined at once, or Chief Engineer Stevens will be placed in a position where he will be compelled to suspend work. He did not attempt to discuss the engi eering or technical questions, but said that he already is committed to the lock type, as recommended by the minority of the board of consulting engineers and would adhere to his first opinion. He said that if Congress does not settle the question, the presiwould not hesitate to adopt the minority plan,

The secretary expects to be before the committee about three days and discuss especially questions that have been raised by the canal inquiry.

He will deal particularly with the tegislation needed for the government

INJUNCTION ISSUED RESTRAINING VOLIVA.

Rockford, Ills., April 18 .- Following the filing of a bill to set aside the conveyance of property in Zion City valued at \$21,000,000, Judge Wright, of the circuit court, today granted an in-function restraining Wilbur C. Voliva and others from interfering with or in any way preventing John Alexander Dowie from going to Zion City and re-maining there or entering his house or his barn at will. The injunction also gives Dowie the right to hold religious services in the Tabernacle on alternate days and his opponents are enjoined from doing anything to affect title to property described in bill of complaint, bill was filed by Atty. Haley of t. The hearing is set for April 25, before Judge Wright in Belvidere

JESUIT GENERAL DEAD.

Rome, April 18.-Father Louis Mar in, general of Jesuit's known as "The Black Pope," died today. He had been suffering from a cancer of the chest.

\$200,000,000 BOND.

Southern Railway Stockholders Authorize Huge Issue of 4 Per Cent.

Richmond, Va., April 18 .-- Stockolders of the Southern Railway in special session here today voted an issue of \$200,000,000 50 year 4 per cent bonds. The stockholders adopted resolutions approving the scheme de-vised by the directors for the general improvement of the different lines of was lest the accused should not have his rights adequately preserved, and is admirably framed to meet this danger. This bond issue is a part of the scheme for extending and strengthening the system.

AMERICAN TRADE IN THE FAR EAST

Congressman Donald McKinlay Takes A Gloomy View of Its Prospects.

VISITED JAPANESE PITTSBURG

Ito Told Him Not to be Afraid of Japanese Laborers as All Are Wanted at Home.

New York, April 18.-Congressman Donald E. McKinlay of California, who was a member of Secy. Taft's party on its trip to the far east, was the guest of honor and principal speaker at the dinner of the New York Credit Men's association last night. Congressnan McKinlay spoke of industrial and ommercial conditions in Japan as they are going to affect the markets in the fur east. He warned his hearers against the "illusion that Japan is going to be our commercial ally in the far east, or anywhere else," and according to today's Times, said:

"We hear a whole lot these days about the United States dominating the markets of Japan and the far east, but any hopes we hold in that respect are destined to be rudely shattered. The \$0,000,000 of people who live on the shores and the islands of the Pacific before long will not only not be consumers of American goods, but will be ou empetitors, perhaps in our own home

A JAPANESE PITTSBURG.

"While in Japan I visited Osaka, which is the Pittsburg of the mikado's empire. It has at present some 200,000 inhabitants, but a modern factory is springing up on every corner in that city, and before long it will be the home of half a million industriant. Is not believed.

of half a million industrious Japanese.

"Marquis Ito who was the guide of Secy, Taft's party in the Japanese Pittsburg said to me: 'You need not be afraid that we will allow Japanese laborers to come to the United States. We need them all at home. In a couple of months we will bring home a mil-lion men from Manchuria. We are go-ing to teach them all how to manufacture everything in the world with the best laborsaving machinery to be found. Instead of sending you cheap labor, we will sell you Americans goods

cheaper than you can manufacture them yourselves.

"It is only six months since Marquis Ito told me this. Three weeks ago I picked up a California paper and read that a whole ship's load of Japanese goods had come into the port of San Francisco. I am afraid that the people of the far east will become not only our commercial competitors, but that they actually may become our com-

PEOPLE WAKING UP.

'More than half the population of the world lives on the Pacific. Up to recently they have been living in the far east in sloth and Indifference. They are waking up now. The boycott of American goods in China was not in retallation for the treatment we had served outers some Chinese merchants whose papers were irregular, but manifestation of the new spirit of the orient.

China under the tutelage of Japan is awakening. "In Osaka I saw 25 cotton mills, Th machinery of machinery of one of these mills had come from the United States. The rest the Japanese had constructed them-selves. I saw there also 30 flour mills ready for shipment to the wheat re-gions of Manchuria. One of these mills had been imported from the United structed in Osaka for one-fifth of the cost of the American machinery.

is the sheerest folly for us to dream of establishing markets in the far Congressman McKinlay severely condemned the lethargy of Americans n their fight for the markets in the

patent laws do not extend to Japan. It

"In Shanghai," Congressman McKin "In Shanghai," Congressman McKin-lay, continued, "we found that the German consul had 35 business agents on his list. The British consul had 40 and the Japanese 160. We had to get a search warrant, and the chief of po-lice, to find the consulate of the United States, which was on a dirty side street, with a consul who said he was hardly getting money enough from the American government to pay for a young man to do his typewriting."

PHILIPPINES OUR HOPE.

Mr. McKinlay said that our only hope eastern markets was bound up h the Philippines. He said we ht to keep them and establish in Manila a great emporium for American goods for the filling of quick or-He thought the Filipinos, within the next 15 years, must take \$100,000, 000 of American goods annually.

SECURES SCHOLARSHIP.

Fred M. Hill Will Have Place in Oread Institute.

Word has been received by Dr. F. J. Hill, the well known druggist of this city, of the appointment of his son Fred Milroy Hill to a scholarship in the Oread Institute, 18 miles from Balti-more, Md. The Institute has manufacturing, agricultural and industrial de-partments and a tract of 5,000 acres attached to it. The Institute opens May 1, and 100 scholarships were di-vided among the different states, two failing to Utah. It is one of these that Mr. Hill has been given on the recom-mendation of State Superintendent Nelson of this city.

AMUSEMENTS.

Theater-The magnificent rendition Sweet Nell of Old Drury" Nellie Stewart and Musgrove's players, Nellie Stewart and Musgrove's players, drew a good house on its second performance last evening. The renditions will be given this afternoon and evening, and ought to go to packed houses, for nothing so generally excellent as this company's work has been seen in Salt Lake for many a day past. Salt Lake for many a day past.

The sale for "A Message From Mars," the next attraction at the Theater, is now going on at the boxoffice.

Orphcum—Another big house witnessed the presentation of Mrs. Leavitt's playlet, "Mrs. S. Holmes. Detective," at the Orphcum last night. The sketch went more smoothly than on the initial presentation, and the actors did not exhibit the same amount of ner-

Grand—"Zaza" by Miss Harper and her company continues to draw good business at the Grand, and the mati-

Lyric—"Miss New York, Jr.," is playing one of the biggest weeks of the season, and the regular Wednesday matinee is going before a large house. Record at the local office of the weatha. m., today:

Barometer reading at 6 a. m., 25.809 inches; temperature at 6 a. m., 45; maximum, 55; minimum, 59; mean, 58, which is 10 degrees above normal.

Precipitation for the 24 hours ending at WARD ENTERTAINMENTS

Sixteenth Ward-The regular Friday evening dance will be given in the Sixteenth ward new Social hall April 20 under the auspices of the Y. L. M. I. A.

Twenty-second Ward-"The Enchanted Wood," an operetta presented by the children of the Religion class of the Twenty-second ward, will be staged in the amusement hall this evening and tomorrow night under the direc-tion of Mrs. Minnie Kingdom. Considerable pains have been taken over the production and a good evening's entertainment is promised. On Sat-urday afternoon and evening "The En-chanted Wood" will be given in the Sixteenth ward ball and the receipts will be turned over to the Salt Lake

I. N. FULTON APPOINTED.

Will Act as Traveling Freight Agent For the Illinois Central.

Contracting Agent Foley of the Illinois Central this morning announced that he had secured the services of I N. Fulton for the Illinois Central during the wool season in this territory Mr. Fulton is well known here and for some time was traveling freight agent for the Oregon Short Line, but left here to go to Seattle, where he acted in a similar capacity for the Mutual Steam-

REPAIR SHOPS FINISHED.

New Building of O. S. L. at Pocatello Ready to Turn Over.

(Special to the "News.") Pocatello, Ida., April 18 .- The new building of the Oregon Short Line freight car repair shops was completed today and will soon be turned over to Chief Engineer Ashton for the Oregon The old roundhouse is to be razed and the steel cars now there for repairs

WORLD THE TERMINUS.

will be the first to be moved over the

Automobile Line to Run to Thermop olis From C. B. & Q. Depot.

Worland, Wyo., April 18 .-- World will be the terninus, during the present year at least, of the Burlington's Frannie-Thermopolis line, and in order that passengers, freight and express matter en route from the Pacific northwest to the Wind River reservation opening in August may be transs ported quickly, an automobile line will be put on between this place and Thermopolis. The distance is 35 miles, and a good road will be constructed all the way. The round trip will be made in about five hours.

LATE LOCALS.

Court Officer Named-Haj. Hirst has en appointed summary court officer Fort Douglas.

New Marching Shoes-The troops at Fort Duchesne will receive this week a supply of new marching shoes from Jeffersonville, Ind. Business Session-The Elks will

hold a business session tonight, in-stead of initiation ceremonies which have been postponed until next week. Family Meeting-There will be

Family Meeting—There will be a meeting of the Young Family association, including all of Father John Young's descendants, next Friday evening, April 20, at 3 6'clock, p.m., in room 56 of the Lion House. A full attendance is requested. B. M. Young, president; Dora Y. Hogan, secretary. Reservoir Project-W. J. Lynch, W.

H. Thain, W. D. Candland and H. N. Hayes, members of the state board of land commissioners, went to Garfield county yesterday to investigate the Hatchtown reservoir project. The old reservoir at that place was washed out and the residents are now asking the state lawi board to help rebuild it. Action will be taken on the matter as oon as the commissioners return.

PERSONALS.

J. C. Leary is at Garland after a lot General Manager D. S. Murray of the

Bell Telephone company is at Boise, Ida., on business.

Asst. Instructor Donald Beauregard of the art department of the Univer-sity of Utah will leave for France next September to study art for the next

Manager Langford of Saltair bought a locomotive while in Chicago, for use on the Saltair road this season, and it will be here later in the month. It is of the same capacity as the two now

NEW YORK CLOSING STOCKS.

Baitimore & Ohio
Canadian Pacific
Chicago & Alton
Chicago & Alton pfd
Chicago & Northwestern Colorado Southern Denver & Rio Grande Denver & Rio Grande pfd . llinois Central Missouri Pacific New York Central nion Pacific pfd Wisconsin Central Northern Pacific .

MISCELLANEOUS.

Amalgamted Copper
American Car & Foundry
American Locomotive
American Smelting & Refining
Ame. Smelting & Refining ptd
Brooklyn Rapid Transit
Colorado Fuel & Iron
International Paper
National Elseuit Sugar nessee Coal & Iron .

WEATHER REPORT

er bureau for the 24 hours ending at

Precipitation for the first of the month, 1.31 inch, which is .30 inch above the normal.

Excess in precipitation since Jan. 1, 1.54 inch.

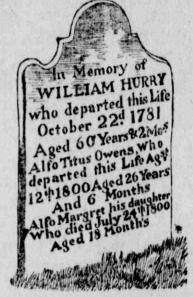
Relative humidity, 86 per cent.

FORECAST TILL 6 P. M. THURSDAY. Local forecast for Sait Lake City and vicinity:
Generally fair tonight and Thursday.
R. J. HYATT,
Local Forecaster.

TODAY'S TEMPERATURE. YESTERDAY'S RECORD.

TOMB OF A PATRIOT.

The ancient and humble gravestone shown in the cut marks the final resting place of William Hurry, the man who rang the Liberty bell when it announced the signing of the Declaration of Independence. For many years the



sexton of Pine Street Presbyterian church, Philadelphia, found the stone half buried in the moss and undergrowth. Now the Daughters of the American Revolution have decided that a suitable monument shall be erected on the spot, and the patriotism of William Hurry will be commemorated as it deserves.

BUST CARVED OUT OF BUTTER. The picture shows the bust of Mayor Dunne modeled in butter by John K. Daniels, a Chicago sculptor, which was recently exhibited at the national dairy



and attracted much attention. There were several other notable examples of this form of art, but the bust was most artistic and lifelike of

FINE JOB WORK

Turned out on short notice at the Deseret News. A big shipment of new types and supplies just in. Our facilities for letter heads, bill heads, tags, envelopes, pads, etc., etc., are unexcelled by any establishment in the west. THE DESERET NEWS.

NOTICE TO CONTRACTORS.

Notice is hereby given that sealed bids will be received by the undersigned up to 12 m April 30th, 1366, for the materials and labor required in the erection of a 12-room school house to be erected on the northwest corner of Tenth West and Fourth North for the Salt Lake City Board of Education, according to plans, specifications and drawings, which are open for inspection of the bidders at the office of Richard Kletting, architect, in the Hooper & Eldredge Block, Salt Lake City, Utah, and all bids and proposals at the above time will be publicly opened and read in the office of the Board of Education in the City and County Building, Salt Lake City, Utah, All bids must be addresed to "Board of Education for Salt Lake City," and marked in the lower left-hand corner, "Bids for 12-room school N.W.," or, such bids can be delivered to the Board of Education at the said time and place of opening same.

Bids must not contain conditions, qualifications, propositions, or any other things than those mentioned in plans, specifications, drawings, contracts and bonds, and bidder must use the form of bids which will be found at the office of the said architect, and no other form of bid will be received.

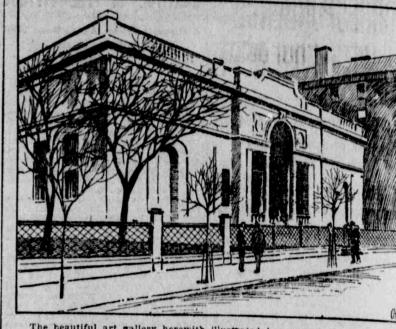
A certified or cashier's check on some bank in Salt Lake City, Utah, for at least 5 per cent of the amount of each bid must be enclosed. Each check is to be made payable to the undersigned, and is to be forfeited to the undersigned in case the bid is accepted and the bidder does not enter into the contract within three days after its acceptance, for the faithful-execution of the contract and bond are also at the office of said architect, and can there be examined.

A bond must be furnished for one-half of the bid, and good and sufficient sureties, all satisfactory to the undersigned. The bids are to be for the following work and no subdivision will be considered.

First for the building complete except heating, plumbing and electric lighting.

sidered.
First for the building complete except heating, plumbing and electric lighting. Second for the heating.
Third for the plumbing.
The undersigned reserves the right to reject any and all bids.
Dated Salt Lake City, April 18, 1206,
BOARD OF EDUCATION,
of Salt Lake City.

MULTIMILLIONAIRE'S ART GALLERY.



The beautiful art gallery herewith illustrated has recently been completed for J. Pierpont Morgan and is at the rear of his Madison avenue residence in New York city. It is in the Italian renaissance style and is built entirely of white marble. The entrance hall is adorned by four large marble columns which once belonged to a Roman temple. Mr. Morgan intends to collect his numerous art treasures, which are scattered in many countries, and assemble them all together in this roomy and tasteful building.

ADVERTISERS SHOULD USE THE

Semi-Weekly News

If they desire to reach the people of the Western States and Territories in their Homes.

Circulation Books Advertisers

High Endorsement

Of Evans' "One Hundred Years of Mormonism," by the General Superintendency of Sunday Schools



HE work has been carefully read and examined by a committee appointed for the purpose, consisting of Elders Francis M. Lyman, George Reynolds, and Joseph F. Smith, Jr., who speak highly of its original-

ity, literary ability and adaptability to the purpose for which it has been written, and on the strength of their very favorable report, we recommend it to Our Sunday Schools for use wherever Church History is under consideration and also to the general public who desire a comprehensive history in one volume of the struggles and triumphs of the great Latter-day work.

Your Brethren,

Signed

JOSEPH F. SMITH. GEO. REYNOLDS, JOSEPH M. TANNER, General Superintendency.

IN THESE CITIES AND TOWNS

The NEWS

Is Delivered Every Evening By Carriers.

All Advertisers may thus be assured that the most wideawake and prosperous classes of people

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Spanish Fork Kayaville Farmington Centerville Bountiful Murray Sandy Draper Taylorsville

Union Granger Hunter Mill Creek East Mill Creek Woods Cross Mammoth Helper Pleasant View

Holiday

Superior Addition Garfield

North Salt Lake

50 per cent of the Towns above do much of their shopping in Salt Lake. Street Cars or Dummy lines running at convenient hours connect them with this City.